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**To:** Mail Stop Amendment  
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**Fax #:** 571-273-8300  
**From:** Ronald J. Kubovcik (Registration No. 25,401)  
**Date:** December 15, 2008  
**Pages :** 5 including this cover sheet.

**Re :** Appl. No. : 10/594,612  
Applicant : Katsuyuki Tanizawa et al.  
Filed : September 28, 2006  
TC/A.U. : 1648  
Examiner : Bo Peng  
Dkt. No. : HRK-002  
Cust. No. : 20374

Confirmation No. 1245

Document transmitted herewith:

- 1. RESPONSE TO RESTRICTION REQUIREMENT AND ELECTION OF SPECIES REQUIREMENT**

**(Due: December 14, 2008)**

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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\_\_\_\_\_  
Ronald J. Kubovcik

**RESPONSE TO RESTRICTION REQUIREMENT AND**  
**ELECTION OF SPECIES REQUIREMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

December 15, 2008

Sir:

This paper is submitted in response to the Office Action dated  
November 14, 2008.

The Action includes restriction and election of species  
requirements. Restriction is required between:

- (I) Claims 1-17, identified in the Action as being  
directed to the technical feature of a sensing tool

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comprising proteins capable of forming nanoparticles through the incorporation of a lipid bilayer and bio-recognition molecules bound thereto; and

- (II) Claim 18, identified in the Action as being directed to the technical feature of a biosensing method, which involves the use of the sensing tool of Group I.

Applicants elect the subject matter of group (I), claims 1-17, for prosecution in this application. This election is made without traverse with the understanding that the applicants' rights under 35 U.S.C. §§ 120 and 121 to the filing of a divisional application directed to the non-elected subject matter are retained.

The Action also includes an election of species requirement in which the applicants are required to elect a species of each of the following (1)-(4):

- (1) a lipid bilayer derived from:
  - (a) a yeast,
  - (b) an animal cell, or
  - (c) an insect cell;
- (2) the biorecognition molecule is:
  - (d) an antigen,

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- (e) an antibody;
- (f) a receptor,
- (g) a substance of a receptor
- (h) a enzyme, OR
- (i) a substance of a enzyme;
- (3) the molecule of Claims 13-16 is:
  - (j) fluorescent,
  - (k) luminescent,
  - (m) light absorptive, or
  - (n) radioisotope molecule; and
- (4) the molecule (2) is:
  - (o) bound to the biorecognition molecules,
  - (p) bound to the particle-forming protein,
  - (q) bound to the lipid bilayer; or
  - (r) enclosed in hollow nanoparticles.

Applicants elect:

- (1) (a) a yeast;
- (2) (e) an antibody;
- (3) (j) fluorescent; and
- (4) (o) bound to the biorecognition molecules.

The election of species is also made without traverse.

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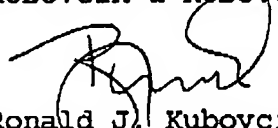
Claims 1, 3-7, 9, 10 and 13-17 are believed to read on the elected species.

The foregoing is believed to be a complete and proper response to the Office Action dated November 14, 2008, and is believed to place this application in condition for allowance. If, however, minor issues remain that can be resolved by means of a telephone interview, the Examiner is respectfully requested to contact the undersigned attorney at the telephone number indicated below.

In the event that this paper is not considered to be timely filed, applicants hereby petition for an appropriate extension of time. The fee for any such extension may be charged to our Deposit Account No. 111833.

In the event any additional fees are required, please also charge our Deposit Account No. 111833.

Respectfully submitted,  
KUBOVCIK & KUBOVCIK



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